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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,849	03/30/2004	Jonathan J. Hull	20412-08358	8256

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EXAMINER

FLETCHER, MARLON T

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/813,849	Applicant(s) HULL ET AL.	
	Examiner Marlon T. Fletcher	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8 pgs.</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4, 9, 10, 12-25, 27-39, 41, and 42, are rejected under 35 U.S.C. 102(a) as being anticipated by Sitrick et al. (2003/0110926).

Sitrick et al. discloses a method and apparatus, comprising: receiving by an audio processing device audio/music data (audio in/ MIDI in) in a first format; processing the audio/music data via processor (360); and outputting by the audio processing device the processed audio/music data in a paper-based format (page 4, paragraph 55) via printer port (373) and an electronic format (display 352).

Sitrick et al. discloses the method and apparatus, wherein the audio/music data comprises music data (MIDI interface (311)) (page 4, paragraph 47 and 53).

Sitrick et al. discloses the method and apparatus, further comprising: mapping musical content from the music data to a file (page 4, paragraph 134).

Sitrick et al. discloses the method and apparatus, further comprising: comparing a melody of the music data to a plurality of melodies; and matching the melody of the music data to one of the plurality of melodies (page 15, paragraph 145 and 147; and page 26, paragraph 239).

Sitrick et al. discloses the method and apparatus, further comprising processing the audio/music data responsive to commands provided by one from the group of: a print dialog, PDL comments, a print driver, and a graphical user interface networked with the audio processing device (page 8, paragraph 79).

Sitrick et al. discloses the method and apparatus, further comprising: archiving the processed audio/music data; and indexing the archived audio file (page 11, paragraph 105).

Sitrick et al. discloses the method and apparatus, wherein the audio/music data contains audio speech and further comprising recognizing the speech (page 26, paragraph 247).

Sitrick et al. discloses the method and apparatus, wherein the processed audio/music data comprises a file printable to a paper document (page 4, paragraph 55).

Sitrick et al. discloses the method and apparatus, wherein the processed audio/music data comprises a musical score (pages 3-4, paragraph 46).

Sitrick et al. discloses the method and apparatus, wherein outputting the processed audio/music data comprises playing the audio/music data on a playback device (figure 3 – audio out via smart card (370)).

Sitrick et al. discloses the method and apparatus, wherein outputting the processed audio/music data comprises storing the file to a storage medium (abstract).

Sitrick et al. discloses the method and apparatus, wherein outputting the processed audio/music data comprises sending the file over a network (page 3, paragraph 45; and page 4, paragraph 54).

Sitrick et al. discloses the method and apparatus, further comprising: indexing the processed audio/music data according to its audio content (page 13, paragraph 119).

Sitrick et al. discloses the method and apparatus, wherein the step of processing the audio/music data is performed by a device other than the audio processing device (page 8, paragraph 79).

Sitrick et al. discloses the method and apparatus, wherein the output system is a disk drive capable of outputting electronic data (figure 3).

Sitrick et al. discloses the method and apparatus, wherein the output system is a transmitter to broadcast audio/music data (figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8, 26, and 40, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitrick et al. in view of Chantzis et al. (6,417,435).

Sitrick et al. are discussed above. Sitrick et al. do not disclose parsing, although

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it could be considered inherent.

However, Chantzis et al. disclose the method and apparatus, further comprising: parsing the music data by musical segment (column 7, lines 10-32).

Chantzis et al. disclose the method and apparatus, wherein the musical segment comprises one from the group of: a piece, song, stanza, movement, bar, chorus, and riff (column 7, lines 49-54).

Chantzis et al. disclose the method and apparatus, further comprising assigning an identifier to a segment of the music data, wherein the identifier comprises a pointer to a medium (column 7, lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Chantzis et al. with the teachings of Sitrick et al., because the teachings specifically disclose parsing the data by segments, wherein it could be considered inherent in Sitrick et al.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sitrick et al. in view of "Video Paper: A Paper-Based Interface", Graham et al."

Sitrick et al. are discussed above. Sitrick et al. do not disclose barcodes.

However, bar coding is well known in the art as taught by Graham et al. (Video Paper), wherein the step of indexing comprises assigning a bar code (figure 1).


It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Graham et al. with the teachings of Sitrick et al., because the teaching provide a fast manner to identify an item.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-w, F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MTF
July 10, 2006


Marlon T. Fletcher
Primary Examiner